IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.681 OF 2006

Sandeep Gala .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.A.P.Mundargi, Senior Advocate with
Mr.S.P.Kadam for applicant
Mr.Marwadi for original complainant
Ms.M.H.Mhatre, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22nd September 2006.

P.C.

. This application is for continuing the protection which is granted by this Court for a period of three weeks under order dated 18th August 2006.

2. Grievance of Mr.Mundargi is that the learned Magistrate having taken the application

for enlarging the applicant on regular bail on his file, should have decided the same on merits. The learned Magistrate was of the view that the protection granted by this Court having come to an end the applicant either will have to surrender on his own or can be taken into custody. All this, when he was granted liberty to apply for regular bail by this Court. In the submission of Mr.Mundargi it was the plain duty of the learned Magistrate, therefore, to have decided the application on merits.

3. Mr.Marwadi, on the other hand states that as of now, there is no application on the file of Magistrate for enlarging applicant on regular bail as the earlier application is withdrawn by this applicant.

4. Without entering into any controversy and to sub-serve the ends of justice, it would be appropriate to continue the protection granted by

this Court till the fresh application filed by the applicant is decided on merits. This order is passed on the express undertaking of Mr.Mundargi that the applicant would file an application for regular bail on 25th September 2006. Applicant also undertakes to remain present on that day. The learned Magistrate shall endeavour and dispose of the said application within one week from the date of its presentation. All contentions on merits are expressly kept open.

5. As clarified above, protection granted by this Court to continue till the Magistrate passes appropriate orders on the application of the applicant.

(S.C.Dharmadhikari, J)